

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)
)
)
v.) Docket No. 1:14CR261
) Hon. Gerald B. Lee
ROLANDO FELICIANO,) Sentencing Date: January 9, 2015
)
)
Defendant.)

**DEFENDANT'S NON-CONFIDENTIAL MEMORANDUM ACCOMPANYING HIS
MOTION FOR AN ORDER PROVIDING PROSPECTIVELY FOR FILING
DOCUMENTS UNDER SEAL PURSUANT TO LOCAL RULE 49(E)**

The Defendant, Rolando Feliciano, by counsel and pursuant to Local Rule 49(E) of the Local Criminal Rules for the United States District Court for the Eastern District of Virginia, asks for an Order sealing the document attached to this Motion to Seal.

I. Items to be Sealed and Necessity for Sealing

The defendant asks the Court to seal the document attached to his Motion to Seal, a Position on Sentencing and attached Exhibits.

Sealing is necessary because the documents contain information regarding a neuropsychological examination that should not be disclosed to the public. Counsel for the defendant has considered procedures other than sealing and none will suffice to protect this information from disclosure.

II. Previous Court Decisions Which Concern Sealing Documents

The Court has the inherent power to seal materials submitted to it. *See United States v. Wuagneux*, 683 F.2d 1343, 1351 (11th Cir. 1982); *State of Arizona v. Maypenny*, 672 F.2d 761, 765 (9th Cir. 1982); *Times Mirror Company v. United States*, 873 F.2d 1210 (9th Cir. 1989); *see also*

Shea v. Gabriel, 520 F.2d 879 (1st Cir. 1975); *United States v. Hubbard*, 650 F.2d 293 (D.C. Cir. 1980); *In re Braughton*, 520 F.2d 765, 766 (9th Cir. 1975). “The trial court has supervisory power over its own records and may, in its discretion, seal documents if the public’s right of access is outweighed by competing interests.” *In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984).

III. Period of Time to Have the Documents Under Seal

The materials to be filed under seal should remain sealed until further order of this Court.

WHEREFORE, the Defendant respectfully requests that an Order be entered allowing the document attached to his motion to be placed Under Seal.

Respectfully submitted,
Rolando Feliciano
By Counsel,

Michael S. Nachmanoff,
Federal Public Defender

/s/

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CERTIFICATE OF SERVICE

I certify that on January 2, 2012, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following:

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